

SECOND REGULAR SESSION
[CORRECTED]
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 638

98TH GENERAL ASSEMBLY
2016

4478S.05T

AN ACT

To repeal sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with an effective date for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.545, 161.216, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 170.011, 170.310, 171.021, and 173.750, RSMo, is repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.545, 161.217, 161.1050, 161.1055, 162.073, 162.261, 162.531, 162.541, 162.720, 163.031, 167.131, 167.241, 167.903, 167.905, 167.950, 170.011, 170.310, 170.345, 170.350, 171.021, 173.750, and 633.420, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. Except as further provided in subsection 4 of this section, charter schools may be operated only:
- (1) In a metropolitan school district;
 - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
 - (3) In a school district that has been [declared] **classified as**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 unaccredited **by the state board of education;**

9 (4) In a school district that has been classified as provisionally accredited
10 by the state board of education and has received scores on its annual performance
11 report consistent with a classification of provisionally accredited or unaccredited
12 for three consecutive school years beginning with the 2012-13 accreditation year
13 under the following conditions:

14 (a) The eligibility for charter schools of any school district whose
15 provisional accreditation is based in whole or in part on financial stress as
16 defined in sections 161.520 to 161.529, or on financial hardship as defined by rule
17 of the state board of education, shall be decided by a vote of the state board of
18 education during the third consecutive school year after the designation of
19 provisional accreditation; and

20 (b) The sponsor is limited to the local school board or a sponsor who has
21 met the standards of accountability and performance as determined by the
22 department based on sections 160.400 to 160.425 and section 167.349 and
23 properly promulgated rules of the department; or

24 (5) In a school district that has been accredited without provisions,
25 sponsored only by the local school board; provided that no board with a current
26 year enrollment of one thousand five hundred fifty students or greater shall
27 permit more than thirty-five percent of its student enrollment to enroll in charter
28 schools sponsored by the local board under the authority of this subdivision,
29 except that this restriction shall not apply to any school district that
30 subsequently becomes eligible under subdivision (3) or (4) of this subsection or to
31 any district accredited without provisions that sponsors charter schools prior to
32 having a current year student enrollment of one thousand five hundred fifty
33 students or greater.

34 3. Except as further provided in subsection 4 of this section, the following
35 entities are eligible to sponsor charter schools:

36 (1) The school board of the district in any district which is sponsoring a
37 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
38 subsection 2 of this section, the special administrative board of a metropolitan
39 school district during any time in which powers granted to the district's board of
40 education are vested in a special administrative board, or if the state board of
41 education appoints a special administrative board to retain the authority granted
42 to the board of education of an urban school district containing most or all of a
43 city with a population greater than three hundred fifty thousand inhabitants, the

44 special administrative board of such school district;

45 (2) A public four-year college or university with an approved teacher
46 education program that meets regional or national standards of accreditation;

47 (3) A community college, the service area of which encompasses some
48 portion of the district;

49 (4) Any private four-year college or university with an enrollment of at
50 least one thousand students, with its primary campus in Missouri, and with an
51 approved teacher preparation program;

52 (5) Any two-year private vocational or technical school designated as a
53 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
54 amended, [which is a member of the North Central Association] and accredited
55 by the Higher Learning Commission, with its primary campus in Missouri; [or]

56 (6) The Missouri charter public school commission created in section
57 160.425.

58 4. Changes in a school district's accreditation status that affect charter
59 schools shall be addressed as follows, except for the districts described in
60 subdivisions (1) and (2) of subsection 2 of this section:

61 (1) As a district transitions from unaccredited to provisionally accredited,
62 the district shall continue to fall under the requirements for an unaccredited
63 district until it achieves three consecutive full school years of provisional
64 accreditation;

65 (2) As a district transitions from provisionally accredited to full
66 accreditation, the district shall continue to fall under the requirements for a
67 provisionally accredited district until it achieves three consecutive full school
68 years of full accreditation;

69 (3) In any school district classified as unaccredited or provisionally
70 accredited where a charter school is operating and is sponsored by an entity other
71 than the local school board, when the school district becomes classified as
72 accredited without provisions, a charter school may continue to be sponsored by
73 the entity sponsoring it prior to the classification of accredited without provisions
74 and shall not be limited to the local school board as a sponsor.

75 A charter school operating in a school district identified in subdivision (1) or (2)
76 of subsection 2 of this section may be sponsored by any of the entities identified
77 in subsection 3 of this section, irrespective of the accreditation classification of
78 the district in which it is located. A charter school in a district described in this
79 subsection whose charter provides for the addition of grade levels in subsequent

80 years may continue to add levels until the planned expansion is complete to the
81 extent of grade levels in comparable schools of the district in which the charter
82 school is operated.

83 5. The mayor of a city not within a county may request a sponsor under
84 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
85 sponsoring a "workplace charter school", which is defined for purposes of sections
86 160.400 to 160.425 as a charter school with the ability to target prospective
87 students whose parent or parents are employed in a business district, as defined
88 in the charter, which is located in the city.

89 6. No sponsor shall receive from an applicant for a charter school any fee
90 of any type for the consideration of a charter, nor may a sponsor condition its
91 consideration of a charter on the promise of future payment of any kind.

92 7. The charter school shall be organized as a Missouri nonprofit
93 corporation incorporated pursuant to chapter 355. The charter provided for
94 herein shall constitute a contract between the sponsor and the charter school.

95 8. As a nonprofit corporation incorporated pursuant to chapter 355, the
96 charter school shall select the method for election of officers pursuant to section
97 355.326 based on the class of corporation selected. Meetings of the governing
98 board of the charter school shall be subject to the provisions of sections 610.010
99 to 610.030.

100 9. A sponsor of a charter school, its agents and employees are not liable
101 for any acts or omissions of a charter school that it sponsors, including acts or
102 omissions relating to the charter submitted by the charter school, the operation
103 of the charter school and the performance of the charter school.

104 10. A charter school may affiliate with a four-year college or university,
105 including a private college or university, or a community college as otherwise
106 specified in subsection 3 of this section when its charter is granted by a sponsor
107 other than such college, university or community college. Affiliation status
108 recognizes a relationship between the charter school and the college or university
109 for purposes of teacher training and staff development, curriculum and
110 assessment development, use of physical facilities owned by or rented on behalf
111 of the college or university, and other similar purposes. A university, college or
112 community college may not charge or accept a fee for affiliation status.

113 11. The expenses associated with sponsorship of charter schools shall be
114 defrayed by the department of elementary and secondary education retaining one
115 and five-tenths percent of the amount of state and local funding allocated to the

116 charter school under section 160.415, not to exceed one hundred twenty-five
117 thousand dollars, adjusted for inflation. The department of elementary and
118 secondary education shall remit the retained funds for each charter school to the
119 school's sponsor, provided the sponsor remains in good standing by fulfilling its
120 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
121 regard to each charter school it sponsors, including appropriate demonstration of
122 the following:

123 (1) Expends no less than ninety percent of its charter school sponsorship
124 funds in support of its charter school sponsorship program, or as a direct
125 investment in the sponsored schools;

126 (2) Maintains a comprehensive application process that follows fair
127 procedures and rigorous criteria and grants charters only to those developers who
128 demonstrate strong capacity for establishing and operating a quality charter
129 school;

130 (3) Negotiates contracts with charter schools that clearly articulate the
131 rights and responsibilities of each party regarding school autonomy, expected
132 outcomes, measures for evaluating success or failure, performance consequences
133 **based on the annual performance report**, and other material terms;

134 (4) Conducts contract oversight that evaluates performance, monitors
135 compliance, informs intervention and renewal decisions, and ensures autonomy
136 provided under applicable law; and

137 (5) Designs and implements a transparent and rigorous process that uses
138 comprehensive data to make merit-based renewal decisions.

139 12. Sponsors receiving funds under subsection 11 of this section shall be
140 required to submit annual reports to the joint committee on education
141 demonstrating they are in compliance with subsection 17 of this section.

142 13. No university, college or community college shall grant a charter to
143 a nonprofit corporation if an employee of the university, college or community
144 college is a member of the corporation's board of directors.

145 14. No sponsor shall grant a charter under sections 160.400 to 160.425
146 and 167.349 without ensuring that a criminal background check and family care
147 safety registry check are conducted for all members of the governing board of the
148 charter schools or the incorporators of the charter school if initial directors are
149 not named in the articles of incorporation, nor shall a sponsor renew a charter
150 without ensuring a criminal background check and family care **safety** registry
151 check are conducted for each member of the governing board of the charter school.

152 15. No member of the governing board of a charter school shall hold any
153 office or employment from the board or the charter school while serving as a
154 member, nor shall the member have any substantial interest, as defined in
155 section 105.450, in any entity employed by or contracting with the board. No
156 board member shall be an employee of a company that provides substantial
157 services to the charter school. All members of the governing board of the charter
158 school shall be considered decision-making public servants as defined in section
159 105.450 for the purposes of the financial disclosure requirements contained in
160 sections 105.483, 105.485, 105.487, and 105.489.

161 16. A sponsor shall develop the policies and procedures for:

162 (1) The review of a charter school proposal including an application that
163 provides sufficient information for rigorous evaluation of the proposed charter and
164 provides clear documentation that the education program and academic program
165 are aligned with the state standards and grade-level expectations, and provides
166 clear documentation of effective governance and management structures, and a
167 sustainable operational plan;

168 (2) The granting of a charter;

169 (3) The performance [framework] **contract** that the sponsor will use to
170 evaluate the performance of charter schools. **Charter schools shall meet**
171 **current state academic performance standards as well as other**
172 **standards agreed upon by the sponsor and the charter school in the**
173 **performance contract;**

174 (4) The sponsor's intervention, renewal, and revocation policies, including
175 the conditions under which the charter sponsor may intervene in the operation
176 of the charter school, along with actions and consequences that may ensue, and
177 the conditions for renewal of the charter at the end of the term, consistent with
178 subsections 8 and 9 of section 160.405;

179 (5) Additional criteria that the sponsor will use for ongoing oversight of
180 the charter; and

181 (6) Procedures to be implemented if a charter school should close,
182 consistent with the provisions of subdivision (15) of subsection 1 of section
183 160.405.

184 The department shall provide guidance to sponsors in developing such policies
185 and procedures.

186 17. (1) A sponsor shall provide timely submission to the state board of
187 education of all data necessary to demonstrate that the sponsor is in material

188 compliance with all requirements of sections 160.400 to 160.425 and section
189 167.349. The state board of education shall ensure each sponsor is in compliance
190 with all requirements under sections 160.400 to 160.425 and 167.349 for each
191 charter school sponsored by any sponsor. The state board shall notify each
192 sponsor of the standards for sponsorship of charter schools, delineating both what
193 is mandated by statute and what best practices dictate. The state board shall
194 evaluate sponsors to determine compliance with these standards every three
195 years. The evaluation shall include a sponsor's policies and procedures in the
196 areas of charter application approval; required charter agreement terms and
197 content; sponsor performance evaluation and compliance monitoring; and charter
198 renewal, intervention, and revocation decisions. Nothing shall preclude the
199 department from undertaking an evaluation at any time for cause.

200 (2) If the department determines that a sponsor is in material
201 noncompliance with its sponsorship duties, the sponsor shall be notified and
202 given reasonable time for remediation. If remediation does not address the
203 compliance issues identified by the department, the commissioner of education
204 shall conduct a public hearing and thereafter provide notice to the charter
205 sponsor of corrective action that will be recommended to the state board of
206 education. Corrective action by the department may include withholding the
207 sponsor's funding and suspending the sponsor's authority to sponsor a school that
208 it currently sponsors or to sponsor any additional school until the sponsor is
209 reauthorized by the state board of education under section 160.403.

210 (3) The charter sponsor may, within thirty days of receipt of the notice of
211 the commissioner's recommendation, provide a written statement and other
212 documentation to show cause as to why that action should not be taken. Final
213 determination of corrective action shall be determined by the state board of
214 education based upon a review of the documentation submitted to the department
215 and the charter sponsor.

216 (4) If the state board removes the authority to sponsor a currently
217 operating charter school under any provision of law, the Missouri charter public
218 school commission shall become the sponsor of the school.

219 **18. If a sponsor notifies a charter school of closure under**
220 **subsection 8 of section 160.405, the department of elementary and**
221 **secondary education shall exercise its financial withholding authority**
222 **under subsection 12 of section 160.415 to assure all obligations of the**
223 **charter school shall be met. The state, charter sponsor, or resident**

224 **district shall not be liable for any outstanding liability or obligations**
225 **of the charter school.**

160.403. 1. The department of elementary and secondary education shall
2 establish an annual application and approval process for all entities eligible to
3 sponsor charters as set forth in section 160.400 which are not sponsoring a
4 charter school as of August 28, 2012, **except that the Missouri charter public**
5 **school commission shall not be required to undergo the application and**
6 **approval process.** No later than November 1, 2012, the department shall make
7 available information and guidelines for all eligible sponsors concerning the
8 opportunity to apply for sponsoring authority under this section.

9 2. The application process for sponsorship shall require each interested
10 eligible sponsor, **except for the Missouri charter public school**
11 **commission,** to submit an application by February first that includes the
12 following:

13 (1) Written notification of intent to serve as a charter school sponsor in
14 accordance with sections 160.400 to 160.425 and section 167.349;

15 (2) Evidence of the applicant sponsor's budget and personnel capacity;

16 (3) An outline of the request for proposal that the applicant sponsor
17 would, if approved as a charter sponsor, issue to solicit charter school applicants
18 consistent with sections 160.400 to 160.425 **and section 167.349;**

19 (4) The performance [framework] **contract** that the applicant sponsor
20 would, if approved as a charter sponsor, use to [guide the establishment of a
21 charter contract and for ongoing oversight and a description of how it would]
22 evaluate the charter schools it sponsors; and

23 (5) The applicant sponsor's renewal, revocation, and nonrenewal processes
24 consistent with section 160.405.

25 3. By April first of each year, the department shall decide whether to
26 grant or deny a sponsoring authority to a sponsor applicant. This decision shall
27 be made based on the applicant [charter's] **sponsor's** compliance with sections
28 160.400 to 160.425 **and section 167.349** and properly promulgated rules of the
29 department.

30 4. Within thirty days of the department's decision, the department shall
31 execute a renewable sponsoring contract with each entity it has approved as a
32 sponsor. The term of each authorizing contract shall be six years and renewable.
33 [No eligible sponsor which is not currently sponsoring a charter school as of
34 August 28, 2012, shall commence charter sponsorship without approval from the

35 state board of education and a sponsor contract with the state board of education
36 in effect.]

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 [be] **include** a legally binding performance contract that describes the
10 obligations and responsibilities of the school and the sponsor as outlined in
11 sections 160.400 to 160.425 and section 167.349 and shall [also include] **address**
12 **the following:**

13 (1) A mission and vision statement for the charter school;

14 (2) A description of the charter school's organizational structure and
15 bylaws of the governing body, which will be responsible for the policy, financial
16 management, and operational decisions of the charter school, including the nature
17 and extent of parental, professional educator, and community involvement in the
18 governance and operation of the charter school;

19 (3) A financial plan for the first three years of operation of the charter
20 school including provisions for annual audits;

21 (4) A description of the charter school's policy for securing personnel
22 services, its personnel policies, personnel qualifications, and professional
23 development plan;

24 (5) A description of the grades or ages of students being served;

25 (6) The school's calendar of operation, which shall include at least the
26 equivalent of a full school term as defined in section 160.011;

27 (7) A description of the charter school's pupil performance standards and
28 academic program performance standards, which shall meet the requirements of
29 subdivision (6) of subsection 4 of this section. The charter school program shall
30 be designed to enable each pupil to achieve such standards and shall contain a
31 complete set of indicators, measures, metrics, and targets for academic program
32 performance, including specific goals on graduation rates and standardized test
33 performance and academic growth;

34 (8) A description of the charter school's educational program and

35 curriculum;

36 (9) The term of the charter, which shall be five years and [shall] **may** be
37 [renewable] **renewed**;

38 (10) Procedures, consistent with the Missouri financial accounting
39 manual, for monitoring the financial accountability of the charter, which shall
40 meet the requirements of subdivision (4) of subsection 4 of this section;

41 (11) Preopening requirements for applications that require that charter
42 schools meet all health, safety, and other legal requirements prior to opening;

43 (12) A description of the charter school's policies on student discipline and
44 student admission, which shall include a statement, where applicable, of the
45 validity of attendance of students who do not reside in the district but who may
46 be eligible to attend under the terms of judicial settlements and procedures that
47 ensure admission of students with disabilities in a nondiscriminatory manner;

48 (13) A description of the charter school's grievance procedure for parents
49 or guardians;

50 (14) A description of the agreement **and time frame for**
51 **implementation** between the charter school and the sponsor as to when a
52 sponsor shall intervene in a charter school, when a sponsor shall revoke a charter
53 for failure to comply with subsection 8 of this section, and when a sponsor will
54 not renew a charter under subsection 9 of this section;

55 (15) Procedures to be implemented if the charter school should close, as
56 provided in subdivision (6) of subsection 16 of section 160.400 including:

57 (a) Orderly transition of student records to new schools and archival of
58 student records;

59 (b) Archival of business operation and transfer or repository of personnel
60 records;

61 (c) Submission of final financial reports;

62 (d) Resolution of any remaining financial obligations; [and]

63 (e) Disposition of the charter school's assets upon closure; **and**

64 (f) A notification plan to inform parents or guardians of students, the local
65 school district, the retirement system in which the charter school's employees
66 participate, and the state board of education within thirty days of the decision to
67 close;

68 (16) A description of the special education and related services that shall
69 be available to meet the needs of students with disabilities; and

70 (17) For all new or revised charters, procedures to be used upon closure

71 of the charter school requiring that unobligated assets of the charter school be
72 returned to the department of elementary and secondary education for their
73 disposition, which upon receipt of such assets shall return them to the local
74 school district in which the school was located, the state, or any other entity to
75 which they would belong.

76 Charter schools operating on August 27, 2012, shall have until August 28, 2015,
77 to meet the requirements of this subsection.

78 2. Proposed charters shall be subject to the following requirements:

79 (1) A charter shall be submitted to the sponsor, and follow the sponsor's
80 policies and procedures for review and granting of a charter approval, and be
81 approved by the state board of education by [December first of the year] **January**
82 **thirty-first** prior to **the school year of** the proposed opening date of the
83 charter school;

84 (2) A charter may be approved when the sponsor determines that the
85 requirements of this section are met, determines that the applicant is sufficiently
86 qualified to operate a charter school, and that the proposed charter is consistent
87 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision
88 of approval or denial shall be made within ninety days of the filing of the
89 proposed charter;

90 (3) If the charter is denied, the proposed sponsor shall notify the applicant
91 in writing as to the reasons for its denial and forward a copy to the state board
92 of education within five business days following the denial;

93 (4) If a proposed charter is denied by a sponsor, the proposed charter may
94 be submitted to the state board of education, along with the sponsor's written
95 reasons for its denial. If the state board determines that the applicant meets the
96 requirements of this section, that the applicant is sufficiently qualified to operate
97 the charter school, and that granting a charter to the applicant would be likely
98 to provide educational benefit to the children of the district, the state board may
99 grant a charter and act as sponsor of the charter school. The state board shall
100 review the proposed charter and make a determination of whether to deny or
101 grant the proposed charter within sixty days of receipt of the proposed charter,
102 provided that any charter to be considered by the state board of education under
103 this subdivision shall be submitted no later than March first prior to the school
104 year in which the charter school intends to begin operations. The state board of
105 education shall notify the applicant in writing as the reasons for its denial, if
106 applicable; and

107 (5) The sponsor of a charter school shall give priority to charter school
108 applicants that propose a school oriented to high-risk students and to the reentry
109 of dropouts into the school system. If a sponsor grants three or more charters,
110 at least one-third of the charters granted by the sponsor shall be to schools that
111 actively recruit dropouts or high-risk students as their student body and address
112 the needs of dropouts or high-risk students through their proposed mission,
113 curriculum, teaching methods, and services. For purposes of this subsection, a
114 "high-risk" student is one who is at least one year behind in satisfactory
115 completion of course work or obtaining high school credits for graduation, has
116 dropped out of school, is at risk of dropping out of school, needs drug and alcohol
117 treatment, has severe behavioral problems, has been suspended from school three
118 or more times, has a history of severe truancy, is a pregnant or parenting teen,
119 has been referred for enrollment by the judicial system, is exiting incarceration,
120 is a refugee, is homeless or has been homeless sometime within the preceding six
121 months, has been referred by an area school district for enrollment in an
122 alternative program, or qualifies as high risk under department of elementary
123 and secondary education guidelines. "Dropout" shall be defined through the
124 guidelines of the school core data report. The provisions of this subsection do not
125 apply to charters sponsored by the state board of education.

126 3. If a charter is approved by a sponsor, the charter application shall be
127 submitted to the state board of education, along with a statement of finding **by**
128 **the sponsor** that the application meets the requirements of sections 160.400 to
129 160.425 and section 167.349 and a monitoring plan under which the charter
130 sponsor shall evaluate the academic performance, **including annual**
131 **performance reports**, of students enrolled in the charter school. The state
132 board of education [may, within sixty days, disapprove the granting of the
133 charter] **shall approve or deny a charter application within sixty days**
134 **of receipt of the application.** The state board of education may [disapprove]
135 **deny** a charter on grounds that the application fails to meet the requirements of
136 sections 160.400 to 160.425 and section 167.349 or that a charter sponsor
137 previously failed to meet the statutory responsibilities of a charter sponsor. **Any**
138 **denial of a charter application made by the state board of education**
139 **shall be in writing and shall identify the specific failures of the**
140 **application to meet the requirements of sections 160.400 to 160.425 and**
141 **section 167.349, and the written denial shall be provided within ten**
142 **business days to the sponsor.**

143 4. A charter school shall, as provided in its charter:

144 (1) Be nonsectarian in its programs, admission policies, employment
145 practices, and all other operations;

146 (2) Comply with laws and regulations of the state, county, or city relating
147 to health, safety, and state minimum educational standards, as specified by the
148 state board of education, including the requirements relating to student discipline
149 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal
150 conduct to law enforcement authorities under sections 167.115 to 167.117,
151 academic assessment under section 160.518, transmittal of school records under
152 section 167.020, the minimum [number of school days and hours] **amount of**
153 **school time** required under section [160.041] **171.031**, and the employee
154 criminal history background check and the family care safety registry check
155 under section 168.133;

156 (3) Except as provided in sections 160.400 to 160.425 **and as specifically**
157 **provided in other sections**, be exempt from all laws and rules relating to
158 schools, governing boards and school districts;

159 (4) Be financially accountable, use practices consistent with the Missouri
160 financial accounting manual, provide for an annual audit by a certified public
161 accountant, publish audit reports and annual financial reports as provided in
162 chapter 165, provided that the annual financial report may be published on the
163 department of elementary and secondary education's internet website in addition
164 to other publishing requirements, and provide liability insurance to indemnify the
165 school, its board, staff and teachers against tort claims. A charter school that
166 receives local educational agency status under subsection 6 of this section shall
167 meet the requirements imposed by the Elementary and Secondary Education Act
168 for audits of such agencies and comply with all federal audit requirements for
169 charters with local [education] **educational** agency status. For purposes of an
170 audit by petition under section 29.230, a charter school shall be treated as a
171 political subdivision on the same terms and conditions as the school district in
172 which it is located. For the purposes of securing such insurance, a charter school
173 shall be eligible for the Missouri public entity risk management fund pursuant
174 to section 537.700. A charter school that incurs debt shall include a repayment
175 plan in its financial plan;

176 (5) Provide a comprehensive program of instruction for at least one grade
177 or age group from [kindergarten] **early childhood** through grade twelve, [which
178 may include early childhood education if funding for such programs is established

179 by statute,] as specified in its charter;

180 (6) (a) Design a method to measure pupil progress toward the pupil
181 academic standards adopted by the state board of education pursuant to section
182 160.514, establish baseline student performance in accordance with the
183 performance contract during the first year of operation, collect student
184 performance data as defined by the annual performance report throughout the
185 duration of the charter to annually monitor student academic performance, and
186 to the extent applicable based upon grade levels offered by the charter school,
187 participate in the statewide system of assessments, comprised of the essential
188 skills tests and the nationally standardized norm-referenced achievement tests,
189 as designated by the state board pursuant to section 160.518, complete and
190 distribute an annual report card as prescribed in section 160.522, which shall also
191 include a statement that background checks have been completed on the charter
192 school's board members, **and** report to its sponsor, the local school district, and
193 the state board of education as to its teaching methods and any educational
194 innovations and the results thereof [, and provide data required for the study of
195 charter schools pursuant to subsection 4 of section 160.410]. No charter school
196 shall be considered in the Missouri school improvement program review of the
197 district in which it is located for the resource or process standards of the
198 program.

199 (b) For proposed [high risk] **high-risk** or alternative charter schools,
200 sponsors shall approve performance measures based on mission, curriculum,
201 teaching methods, and services. Sponsors shall also approve comprehensive
202 academic and behavioral measures to determine whether students are meeting
203 performance standards on a different time frame as specified in that school's
204 charter. Student performance shall be assessed comprehensively to determine
205 whether a [high risk] **high-risk** or alternative charter school has documented
206 adequate student progress. Student performance shall be based on sponsor-
207 approved comprehensive measures as well as standardized public school
208 measures. Annual presentation of charter school report card data to the
209 department of elementary and secondary education, the state board, and the
210 public shall include comprehensive measures of student progress.

211 (c) Nothing in this subdivision shall be construed as permitting a charter
212 school to be held to lower performance standards than other public schools within
213 a district; however, the charter of a charter school may permit students to meet
214 performance standards on a different time frame as specified in its charter. The

215 performance standards for alternative and special purpose charter schools that
216 target high-risk students as defined in subdivision (5) of subsection 2 of this
217 section shall be based on measures defined in the school's performance contract
218 with its sponsors;

219 (7) Comply with all applicable federal and state laws and regulations
220 regarding students with disabilities, including sections 162.670 to 162.710, the
221 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section
222 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
223 legislation;

224 (8) Provide along with any request for review by the state board of
225 education the following:

226 (a) Documentation that the applicant has provided a copy of the
227 application to the school board of the district in which the charter school is to be
228 located, except in those circumstances where the school district is the sponsor of
229 the charter school; and

230 (b) A statement outlining the reasons for approval or [disapproval] **denial**
231 by the sponsor, specifically addressing the requirements of sections 160.400 to
232 160.425 and 167.349.

233 5. (1) Proposed or existing high-risk or alternative charter schools may
234 include alternative arrangements for students to obtain credit for satisfying
235 graduation requirements in the school's charter application and
236 charter. Alternative arrangements may include, but not be limited to, credit for
237 off-campus instruction, embedded credit, work experience through an internship
238 arranged through the school, and independent studies. When the state board of
239 education approves the charter, any such alternative arrangements shall be
240 approved at such time.

241 (2) The department of elementary and secondary education shall conduct
242 a study of any charter school granted alternative arrangements for students to
243 obtain credit under this subsection after three years of operation to assess
244 student performance, graduation rates, educational outcomes, and entry into the
245 workforce or higher education.

246 6. The charter of a charter school may be amended at the request of the
247 governing body of the charter school and on the approval of the sponsor. The
248 sponsor and the governing board and staff of the charter school shall jointly
249 review the school's performance, management and operations during the first year
250 of operation and then every other year after the most recent review or at any

251 point where the operation or management of the charter school is changed or
252 transferred to another entity, either public or private. The governing board of a
253 charter school may amend the charter, if the sponsor approves such amendment,
254 or the sponsor and the governing board may reach an agreement in writing to
255 reflect the charter school's decision to become a local educational agency. In such
256 case the sponsor shall give the department of elementary and secondary
257 education written notice no later than March first of any year, with the
258 agreement to become effective July first. The department may waive the March
259 first notice date in its discretion. The department shall identify and furnish a list
260 of its regulations that pertain to local educational agencies to such schools within
261 thirty days of receiving such notice.

262 7. Sponsors shall annually review the charter school's compliance with
263 statutory standards including:

264 (1) Participation in the statewide system of assessments, as designated
265 by the state board of education under section 160.518;

266 (2) Assurances for the completion and distribution of an annual report
267 card as prescribed in section 160.522;

268 (3) The collection of baseline data during the first three years of operation
269 to determine the longitudinal success of the charter school;

270 (4) A method to measure pupil progress toward the pupil academic
271 standards adopted by the state board of education under section 160.514; and

272 (5) Publication of each charter school's annual performance report.

273 8. (1) (a) A sponsor's [intervention] policies shall give schools clear,
274 adequate, evidence-based, and timely notice of contract violations or performance
275 deficiencies and mandate intervention based upon findings of the state board of
276 education of the following:

277 a. The charter school provides a high school program which fails to
278 maintain a graduation rate of at least seventy percent in three of the last four
279 school years unless the school has dropout recovery as its mission;

280 b. The charter school's annual performance report results are below the
281 district's annual performance report results based on the performance standards
282 that are applicable to the grade level configuration of both the charter school and
283 the district in which the charter school is located in three of the last four school
284 years; and

285 c. The charter school is identified as a persistently lowest achieving school
286 by the department of elementary and secondary education.

287 (b) A sponsor shall have a policy to revoke a charter during the charter
288 term if there is:

289 a. Clear evidence of underperformance as demonstrated in the charter
290 school's annual performance report in three of the last four school years; or

291 b. A violation of the law or the public trust that imperils students or
292 public funds.

293 (c) A sponsor shall revoke a charter or take other appropriate remedial
294 action, which may include placing the charter school on probationary status for
295 no more than [twelve] **twenty-four** months, provided that no more than one
296 designation of probationary status shall be allowed for the duration of the charter
297 contract, at any time if the charter school commits a serious breach of one or
298 more provisions of its charter or on any of the following grounds: failure to meet
299 the performance contract as set forth in its charter, failure to meet generally
300 accepted standards of fiscal management, failure to provide information necessary
301 to confirm compliance with all provisions of the charter and sections 160.400 to
302 160.425 and 167.349 within forty-five days following receipt of written notice
303 requesting such information, or violation of law.

304 (2) The sponsor may place the charter school on probationary status to
305 allow the implementation of a remedial plan, which may require a change of
306 methodology, a change in leadership, or both, after which, if such plan is
307 unsuccessful, the charter may be revoked.

308 (3) At least sixty days before acting to revoke a charter, the sponsor shall
309 notify the governing board of the charter school of the proposed action in
310 writing. The notice shall state the grounds for the proposed action. The school's
311 governing board may request in writing a hearing before the sponsor within two
312 weeks of receiving the notice.

313 (4) The sponsor of a charter school shall establish procedures to conduct
314 administrative hearings upon determination by the sponsor that grounds exist to
315 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
316 to this subsection are subject to an appeal to the state board of education, which
317 shall determine whether the charter shall be revoked.

318 (5) A termination shall be effective only at the conclusion of the school
319 year, unless the sponsor determines that continued operation of the school
320 presents a clear and immediate threat to the health and safety of the children.

321 (6) A charter sponsor shall make available the school accountability report
322 card information as provided under section 160.522 and the results of the

323 academic monitoring required under subsection 3 of this section.

324 9. (1) A sponsor shall take all reasonable steps necessary to confirm that
325 each charter school sponsored by such sponsor is in material compliance and
326 remains in material compliance with all material provisions of the charter and
327 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all
328 information necessary to confirm ongoing compliance with all provisions of its
329 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
330 sponsor.

331 (2) The sponsor's renewal process of the charter school shall be based on
332 the thorough analysis of a comprehensive body of objective evidence and consider
333 if:

334 (a) The charter school has maintained results on its annual performance
335 report that meet or exceed the district in which the charter school is located
336 based on the performance standards that are applicable to the grade-level
337 configuration of both the charter school and the district in which the charter
338 school is located in three of the last four school years;

339 (b) The charter school is organizationally and fiscally viable determining
340 at a minimum that the school does not have:

341 a. A negative balance in its operating funds;

342 b. A combined balance of less than three percent of the amount expended
343 for such funds during the previous fiscal year; or

344 c. Expenditures that exceed receipts for the most recently completed fiscal
345 year;

346 (c) The charter is in compliance with its legally binding performance
347 contract and sections 160.400 to 160.425 and section 167.349; and

348 **(d) The charter school has an annual performance report**
349 **consistent with a classification of accredited for three of the last four**
350 **years and is fiscally viable as described in paragraph (b) of this**
351 **subdivision. If such is the case, the charter school may have an**
352 **expedited renewal process as defined by rule of the department of**
353 **elementary and secondary education.**

354 (3) (a) Beginning August first during the year in which a charter is
355 considered for renewal, a charter school sponsor shall demonstrate to the state
356 board of education that the charter school is in compliance with federal and state
357 law as provided in sections 160.400 to 160.425 and section 167.349 and the
358 school's performance contract including but not limited to those requirements

359 specific to academic performance.

360 (b) Along with data reflecting the academic performance standards
361 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised
362 charter application to the state board of education for review.

363 (c) Using the data requested and the revised charter application under
364 paragraphs (a) and (b) of this subdivision, the state board of education shall
365 determine if compliance with all standards enumerated in this subdivision has
366 been achieved. The state board of education at its next regularly scheduled
367 meeting shall vote on the revised charter application.

368 (d) If a charter school sponsor demonstrates the objectives identified in
369 this subdivision, the state board of education shall renew the school's charter.

370 10. A school district may enter into a lease with a charter school for
371 physical facilities.

372 11. A governing board or a school district employee who has control over
373 personnel actions shall not take unlawful reprisal against another employee at
374 the school district because the employee is directly or indirectly involved in an
375 application to establish a charter school. A governing board or a school district
376 employee shall not take unlawful reprisal against an educational program of the
377 school or the school district because an application to establish a charter school
378 proposes the conversion of all or a portion of the educational program to a charter
379 school. As used in this subsection, "unlawful reprisal" means an action that is
380 taken by a governing board or a school district employee as a direct result of a
381 lawful application to establish a charter school and that is adverse to another
382 employee or an educational program.

383 12. Charter school board members shall be subject to the same liability
384 for acts while in office as if they were regularly and duly elected members of
385 school boards in any other public school district in this state. The governing
386 board of a charter school may participate, to the same extent as a school board,
387 in the Missouri public entity risk management fund in the manner provided
388 under sections 537.700 to 537.756.

389 13. Any entity, either public or private, operating, administering, or
390 otherwise managing a charter school shall be considered a quasi-public
391 governmental body and subject to the provisions of sections 610.010 to 610.035.

392 14. The chief financial officer of a charter school shall maintain:

393 (1) A surety bond in an amount determined by the sponsor to be adequate
394 based on the cash flow of the school; or

395 (2) An insurance policy issued by an insurance company licensed to do
396 business in Missouri on all employees in the amount of five hundred thousand
397 dollars or more that provides coverage in the event of employee theft.

398 **15. The department of elementary and secondary education shall**
399 **calculate an annual performance report for each charter school and**
400 **shall publish it in the same manner as annual performance reports are**
401 **calculated and published for districts and attendance centers.**

402 **16. The joint committee on education shall create a committee to**
403 **investigate facility access and affordability for charter schools. The**
404 **committee shall be comprised of equal numbers of the charter school**
405 **sector and the public school sector and shall report its findings to the**
406 **general assembly by December 31, 2016.**

160.408. 1. For purposes of this section, "high-quality charter
2 **school" means a charter school operating in the state of Missouri that**
3 **meets the following requirements:**

4 **(1) Receives eighty-five percent or more of the total points on the**
5 **annual performance report for three out of the last four school years**
6 **by comparing points earned to the points possible on the annual**
7 **performance report for three of the last four school years;**

8 **(2) Maintains a graduation rate of at least eighty percent for**
9 **three of the last four school years, if the charter school provides a high**
10 **school program;**

11 **(3) Is in material compliance with its legally binding**
12 **performance contract and sections 160.400 to 160.425 and section**
13 **167.349; and**

14 **(4) Is organizationally and fiscally viable as described in**
15 **paragraph (b) of subdivision (2) of subsection 9 of section 160.405.**

16 **2. Notwithstanding any other provision of law, high-quality**
17 **charter schools shall be provided expedited opportunities to replicate**
18 **and expand into unaccredited districts, a metropolitan district, or an**
19 **urban school district containing most or all of a home rule city with**
20 **more than four hundred thousand inhabitants and located in more than**
21 **one county. Such replication and expansion shall be subject to the**
22 **following:**

23 **(1) The school seeking to replicate or expand shall submit its**
24 **proposed charter to a proposed sponsor. The charter shall include a**
25 **legally binding performance contract that meets the requirements of**

26 sections 160.400 to 160.425 and section 167.349;

27 **(2) The sponsor's decision to approve or deny shall be made**
28 **within sixty days of the filing of the proposed charter with the**
29 **proposed sponsor;**

30 **(3) If a charter is approved by a sponsor, the charter application**
31 **shall be filed with the state board of education with a statement of**
32 **finding from the sponsor that the application meets the requirements**
33 **of sections 160.400 to 160.425 and section 167.349 and a monitoring plan**
34 **under which the sponsor shall evaluate the academic performance of**
35 **students enrolled in the charter school. Such filing shall be made by**
36 **January thirty-first prior to the school year in which the charter school**
37 **intends to begin operations.**

38 **3. The term of the charter for schools operating under this**
39 **section shall be five years, and the charter may be renewed for terms**
40 **of up to ten years. Renewal shall be subject to the provisions of**
41 **paragraphs (a) to (d) of subdivision (3) of subsection 9 of section**
42 **160.405.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program;

5 **(3) Nonresident pupils who transfer from an unaccredited**
6 **district under section 167.131, provided that the charter school is an**
7 **approved charter school, as defined in section 167.131, and subject to**
8 **all other provisions of section 167.131;**

9 **(4) In the case of a charter school whose mission includes student drop-**
10 **out prevention or recovery, any nonresident pupil from the same or an adjacent**
11 **county who resides in a residential care facility, a transitional living group home,**
12 **or an independent living program whose last school of enrollment is in the school**
13 **district where the charter school is established, who submits a timely application; and**

14 **[(4)] (5) In the case of a workplace charter school, any student eligible**
15 **to attend under subdivision (1) or (2) of this subsection whose parent is employed**
16 **in the business district, who submits a timely application, unless the number of**
17 **applications exceeds the capacity of a program, class, grade level or building. The**
18 **configuration of a business district shall be set forth in the charter and shall not**
19 **be construed to create an undue advantage for a single employer or small number**

20 of employers.

21 2. If capacity is insufficient to enroll all pupils who submit a timely
22 application, the charter school shall have an admissions process that assures all
23 applicants of an equal chance of gaining admission **and does not discriminate**
24 **based on parents' ability to pay fees or tuition** except that:

25 (1) A charter school may establish a geographical area around the school
26 whose residents will receive a preference for enrolling in the school, provided that
27 such preferences do not result in the establishment of racially or
28 socioeconomically isolated schools and provided such preferences conform to
29 policies and guidelines established by the state board of education;

30 (2) A charter school may also give a preference for admission of children
31 whose siblings attend the school or whose parents are employed at the school or
32 in the case of a workplace charter school, a child whose parent is employed in the
33 business district or at the business site of such school; and

34 (3) Charter alternative and special purpose schools may also give a
35 preference for admission to high-risk students, as defined in subdivision (5) of
36 subsection 2 of section 160.405, when the school targets these students through
37 its proposed mission, curriculum, teaching methods, and services.

38 3. A charter school shall not limit admission based on race, ethnicity,
39 national origin, disability, income level, proficiency in the English language or
40 athletic ability, but may limit admission to pupils within a given age group or
41 grade level. Charter schools may limit admission based on gender only when the
42 school is a single-gender school. Students of a charter school [that are present
43 for the January membership count as defined in section 163.011] **who have**
44 **been enrolled for a full academic year** shall be counted in the performance
45 of the charter school on the statewide assessments in that calendar year, unless
46 otherwise exempted as English language learners. **For purposes of this**
47 **subsection, "full academic year" means the last Wednesday in September**
48 **through the administration of the Missouri assessment program test**
49 **without transferring out of the school and re-enrolling.**

50 [4. The department of elementary and secondary education shall
51 commission a study of the performance of students at each charter school in
52 comparison with an equivalent group of district students representing an
53 equivalent demographic and geographic population and a study of the impact of
54 charter schools upon the constituents they serve in the districts in which they are
55 located, to be conducted by the joint committee on education. The charter school

56 study shall include analysis of the administrative and instructional practices of
57 each charter school and shall include findings on innovative programs that
58 illustrate best practices and lend themselves to replication or incorporation in
59 other schools. The joint committee on education shall coordinate with individuals
60 representing charter schools and the districts in which charter schools are located
61 in conducting the study. The study of a charter school's student performance in
62 relation to a comparable group shall be designed to provide information that
63 would allow parents and educators to make valid comparisons of academic
64 performance between the charter school's students and an equivalent group of
65 district students representing an equivalent demographic and geographic
66 population. The student performance assessment and comparison shall include,
67 but may not be limited to:

68 (1) Missouri assessment program test performance and aggregate growth
69 over several years;

70 (2) Student reenrollment rates;

71 (3) Educator, parent, and student satisfaction data;

72 (4) Graduation rates in secondary programs; and

73 (5) Performance of students enrolled in the same public school for three

74 or more consecutive years. The impact study shall be undertaken every two years
75 to determine the impact of charter schools on the constituents they serve in the
76 districts where charter schools are operated. The impact study shall include, but
77 is not limited to, determining if changes have been made in district policy or
78 procedures attributable to the charter school and to perceived changes in
79 attitudes and expectations on the part of district personnel, school board
80 members, parents, students, the business community and other education
81 stakeholders. The department of elementary and secondary education shall make
82 the results of the studies public and shall deliver copies to the governing boards
83 of the charter schools, the sponsors of the charter schools, the school board and
84 superintendent of the districts in which the charter schools are operated.]

85 [5.] 4. A charter school shall make available for public inspection, and
86 provide upon request, to the parent, guardian, or other custodian of any school-
87 age pupil resident in the district in which the school is located the following
88 information:

89 (1) The school's charter;

90 (2) The school's most recent annual report card published according to
91 section 160.522;

92 (3) The results of background checks on the charter school's board
93 members; and

94 (4) If a charter school is operated by a management company, a copy of
95 the written contract between the governing board of the charter school and the
96 educational management organization or the charter management organization
97 for services. The charter school may charge reasonable fees, not to exceed the
98 rate specified in section 610.026 for furnishing copies of documents under this
99 subsection.

100 [6.] 5. When a student attending a charter school who is a resident of the
101 school district in which the charter school is located moves out of the boundaries
102 of such school district, the student may complete the current semester and shall
103 be considered a resident student. The student's parent or legal guardian shall
104 be responsible for the student's transportation to and from the charter school.

105 [7.] 6. If a change in school district boundary lines occurs under section
106 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
107 under section 162.081, including attachment of a school district's territory to
108 another district or dissolution, such that a student attending a charter school
109 prior to such change no longer resides in a school district in which the charter
110 school is located, then the student may complete the current academic year at the
111 charter school. The student shall be considered a resident student. The student's
112 parent or legal guardian shall be responsible for the student's transportation to
113 and from the charter school.

114 [8.] 7. The provisions of sections 167.018 and 167.019 concerning foster
115 children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced **price** lunch, special education, or limited English proficiency
6 status, as well as eligibility for categorical aid, of pupils resident in a school
7 district who are enrolled in the charter school to the school district in which those
8 pupils reside. The charter school shall report the average daily attendance data,
9 free and reduced **price** lunch count, special education pupil count, and limited
10 English proficiency pupil count to the state department of elementary and
11 secondary education. Each charter school shall promptly notify the state
12 department of elementary and secondary education and the pupil's school district

13 when a student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection
33 as the disbursal agent and no later than twenty days following the receipt of any
34 such funds. The department of elementary and secondary education shall pay the
35 amounts due when it acts as the disbursal agent within five days of the required
36 due date.

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If

49 a charter school declares itself as a local [education] **educational** agency, the
50 department of elementary and secondary education shall, upon notice of the
51 declaration, reduce the payment made to the school district by the amount
52 specified in this subsection and pay directly to the charter school the annual
53 amount reduced from the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 6. The charter school and a local school board may agree by contract for
71 services to be provided by the school district to the charter school. The charter
72 school may contract with any other entity for services. Such services may include
73 but are not limited to food service, custodial service, maintenance, management
74 assistance, curriculum assistance, media services and libraries and shall be
75 subject to negotiation between the charter school and the local school board or
76 other entity. Documented actual costs of such services shall be paid for by the
77 charter school.

78 7. In the case of a proposed charter school that intends to contract with
79 an education service provider for substantial educational services[,] **or**
80 management services, the request for proposals shall additionally require the
81 charter school applicant to:

82 (1) Provide evidence of the education service provider's success in serving
83 student populations similar to the targeted population, including demonstrated
84 academic achievement as well as successful management of nonacademic school

85 functions, if applicable;

86 (2) Provide a term sheet setting forth the proposed duration of the service
87 contract; roles and responsibilities of the governing board, the school staff, and
88 the service provider; scope of services and resources to be provided by the service
89 provider; performance evaluation measures and time lines; compensation
90 structure, including clear identification of all fees to be paid to the service
91 provider; methods of contract oversight and enforcement; investment disclosure;
92 and conditions for renewal and termination of the contract;

93 (3) Disclose any known conflicts of interest between the school governing
94 board and proposed service provider or any affiliated business entities;

95 (4) Disclose and explain any termination or nonrenewal of contracts for
96 equivalent services for any other charter school in the United States within the
97 past five years;

98 (5) Ensure that the legal counsel for the charter school shall report
99 directly to the charter school's governing board; and

100 (6) Provide a process to ensure that the expenditures that the
101 [educational] **education** service provider intends to bill to the charter school
102 shall receive prior approval of the governing board or its designee.

103 8. A charter school may enter into contracts with community partnerships
104 and state agencies acting in collaboration with such partnerships that provide
105 services to children and their families linked to the school.

106 9. A charter school shall be eligible for transportation state aid pursuant
107 to section 163.161 and shall be free to contract with the local district, or any
108 other entity, for the provision of transportation to the students of the charter
109 school.

110 10. (1) The proportionate share of state and federal resources generated
111 by students with disabilities or staff serving them shall be paid in full to charter
112 schools enrolling those students by their school district where such enrollment is
113 through a contract for services described in this section. The proportionate share
114 of money generated under other federal or state categorical aid programs shall
115 be directed to charter schools serving such students eligible for that aid.

116 (2) A charter school shall provide the special services provided pursuant
117 to section 162.705 and may provide the special services pursuant to a contract
118 with a school district or any provider of such services.

119 11. A charter school may not charge tuition[, nor may it] **or** impose fees
120 that a school district is prohibited from **charging or** imposing, **except that a**

121 **charter school may receive tuition payments from districts in the same**
122 **or an adjoining county for nonresident students who transfer to an**
123 **approved charter school, as defined in section 167.131, from an**
124 **unaccredited district.**

125 12. A charter school is authorized to incur debt in anticipation of receipt
126 of funds. A charter school may also borrow to finance facilities and other capital
127 items. A school district may incur bonded indebtedness or take other measures
128 to provide for physical facilities and other capital items for charter schools that
129 it sponsors or contracts with. **Except as otherwise specifically provided in**
130 **sections 160.400 to 160.425**, upon the dissolution of a charter school, any
131 liabilities of the corporation will be satisfied through the procedures of chapter
132 355. **A charter school shall satisfy all its financial obligations within**
133 **twelve months of notice from the sponsor of the charter school's closure**
134 **under subsection 8 of section 160.405. After satisfaction of all its**
135 **financial obligations, a charter school shall return any remaining state**
136 **and federal funds to the department of elementary and secondary**
137 **education for disposition as stated in subdivision (17) of subsection 1**
138 **of section 160.405.** The department of elementary and secondary education
139 may withhold funding at a level the department determines to be adequate
140 during a school's last year of operation until the department determines that
141 school records, liabilities, and reporting requirements, including a full audit, are
142 satisfied.

143 13. Charter schools shall not have the power to acquire property by
144 eminent domain.

145 14. The governing body of a charter school is authorized to accept grants,
146 gifts or donations of any kind and to expend or use such grants, gifts or
147 donations. A grant, gift or donation may not be accepted by the governing body
148 if it is subject to any condition contrary to law applicable to the charter school or
other public schools, or contrary to the terms of the charter.

160.417. 1. By October 1, 2012, and by each October first thereafter, the
2 sponsor of each charter school shall review the information submitted on the
3 report required by section 162.821 to identify charter schools experiencing
4 financial stress. The department of elementary and secondary education shall be
5 authorized to obtain such additional information from a charter school as may be
6 necessary to determine the financial condition of the charter school. Annually,
7 a listing of charter schools identified as experiencing financial stress according

8 to the provisions of this section shall be provided to the governor, speaker of the
9 house of representatives, and president pro tempore of the senate by the
10 department of elementary and secondary education.

11 2. For the purposes of this section, a charter school shall be identified as
12 experiencing financial stress if it:

13 (1) At the end of its most recently completed fiscal year:

14 (a) Has a negative balance in its operating funds; or

15 (b) Has a combined balance of less than three percent of the amount
16 expended from such funds during the previous fiscal year; [or]

17 (2) For the most recently completed fiscal year expenditures, exceeded
18 receipts for any of its funds because of recurring costs; **or**

19 **(3) Due to insufficient fund balances or reserves, incurred debt**
20 **after January thirty-first and before July first during the most recently**
21 **completed fiscal year in order to meet expenditures of the charter**
22 **school.**

23 3. The sponsor shall notify by November first the governing board of the
24 charter school identified as experiencing financial stress. Upon receiving the
25 notification, the governing board shall develop, or cause to have developed, and
26 shall approve a budget and education plan on forms provided by the sponsor. The
27 budget and education plan shall be submitted to the sponsor, signed by the
28 officers of the charter school, within forty-five calendar days of notification that
29 the charter school has been identified as experiencing financial
30 stress. Minimally, the budget and education plan shall:

31 (1) Give assurances that adequate educational services to students of the
32 charter school shall continue uninterrupted for the remainder of the current
33 school year and that the charter school can provide the minimum [number of
34 school days and hours] **amount of school time** required by section [160.041]
35 **171.031;**

36 (2) Outline a procedure to be followed by the charter school to report to
37 charter school patrons about the financial condition of the charter school; and

38 (3) Detail the expenditure reduction measures, revenue increases, or other
39 actions to be taken by the charter school to address its condition of financial
40 stress.

41 4. Upon receipt and following review of any budget and education plan,
42 the sponsor may make suggestions to improve the plan. Nothing in sections
43 160.400 to 160.425 or section 167.349 shall exempt a charter school from

44 submitting a budget and education plan to the sponsor according to the provisions
45 of this section following each such notification that a charter school has been
46 identified as experiencing financial stress, except that the sponsor may permit a
47 charter school's governing board to make amendments to or update a budget and
48 education plan previously submitted to the sponsor.

49 5. The department may withhold any payment of financial aid otherwise
50 due to the charter school until such time as the sponsor and the charter school
51 have fully complied with this section.

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

- 5 (1) All students be graduated from school;
- 6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and
- 8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

- 13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and
- 15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course
17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and
- 19 (3) Do not offer a general track of courses that, upon completion, can lead
20 to a high school diploma; and
- 21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and
- 24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed

29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 **3. Any nonpublic school in this state may apply to the state board**
39 **of education for certification that it meets the requirements of this**
40 **section subject to the same criteria as public high schools. Every**
41 **nonpublic school that applies and has met the requirements of this**
42 **section shall have its students eligible for reimbursement of**
43 **postsecondary education under subsection 8 of this section on an equal**
44 **basis to students who graduate from public schools that meet the**
45 **requirements of this section. Any nonpublic school that applies shall**
46 **not be eligible for any grants under this section. Students of certified**
47 **nonpublic schools shall be eligible for reimbursement of postsecondary**
48 **education under subsection 8 of this section so long as they meet the**
49 **other requirements of such subsection. For purposes of subdivision (5)**
50 **of subsection 2 of this section, the nonpublic school shall be included**
51 **in the partnership plan developed by the public school district in which**
52 **the nonpublic school is located. For purposes of subdivision (1) of**
53 **subsection 2 of this section, the nonpublic school shall establish**
54 **measurable performance standards for the goals of the program for**
55 **every school and grade level over which the nonpublic school maintains**
56 **control.**

57 **4.** A school district may participate in the program irrespective of its
58 accreditation classification by the state board of education, provided it meets all
59 other requirements.

60 **[4.] 5.** By rule and regulation, the state board of education may
61 determine a local school district variable fund match requirement in order for a
62 school or schools in the district to receive a grant under the program. However,
63 no school in any district shall receive a grant under the program unless the
64 district designates a salaried employee to serve as the program coordinator, with

65 the district assuming a minimum of one-half the cost of the salary and other
66 benefits provided to the coordinator. Further, no school in any district shall
67 receive a grant under the program unless the district makes available facilities
68 and services for adult literacy training as specified by rule of the state board of
69 education.

70 [5.] 6. For any school that meets the requirements for the approval of the
71 grants authorized by this section and specified in subsection 2 of this section for
72 three successive school years, by August first following the third such school year,
73 the commissioner of education shall present a plan to the superintendent of the
74 school district in which such school is located for the waiver of rules and
75 regulations to promote flexibility in the operations of the school and to enhance
76 and encourage efficiency in the delivery of instructional services in the
77 school. The provisions of other law to the contrary notwithstanding, the plan
78 presented to the superintendent shall provide a summary waiver, with no
79 conditions, for the pupil testing requirements pursuant to section 160.257 in the
80 school. Further, the provisions of other law to the contrary notwithstanding, the
81 plan shall detail a means for the waiver of requirements otherwise imposed on
82 the school related to the authority of the state board of education to classify
83 school districts pursuant to subdivision (9) of section 161.092 and such other rules
84 and regulations as determined by the commissioner of education, except such
85 waivers shall be confined to the school and not other schools in the school district
86 unless such other schools meet the requirements of this subsection. However, any
87 waiver provided to any school as outlined in this subsection shall be void on June
88 thirtieth of any school year in which the school fails to meet the requirements for
89 the approval of the grants authorized by this section as specified in subsection 2
90 of this section.

91 [6.] 7. For any school year, grants authorized by subsections 1, 2, and [4]
92 5 of this section shall be funded with the amount appropriated for this program,
93 less those funds necessary to reimburse eligible students pursuant to subsection
94 [7] 8 of this section.

95 [7.] 8. The department of higher education shall, by rule, establish a
96 procedure for the reimbursement of the cost of tuition, books and fees to any
97 public community college or vocational or technical school or within the limits
98 established in subsection [9] 10 of this section for any two-year private vocational
99 or technical school for any student:

100 (1) Who has attended a [public] high school in the state for at least three

101 years immediately prior to graduation that meets the requirements of subsection
102 2 of this section; except that, students who are active duty military dependents,
103 and students who are dependants of retired military who relocate to Missouri
104 within one year of the date of the parent's retirement from active duty, who, in
105 the school year immediately preceding graduation, meet all other requirements
106 of this subsection and are attending a school that meets the requirements of
107 subsection 2 of this section shall be exempt from the three-year attendance
108 requirement of this subdivision; and

109 (2) Who has made a good faith effort to first secure all available federal
110 sources of funding that could be applied to the reimbursement described in this
111 subsection; and

112 (3) Who has earned a minimal grade average while in high school as
113 determined by rule of the department of higher education, and other
114 requirements for the reimbursement authorized by this subsection as determined
115 by rule and regulation of the department; and

116 (4) Who is a citizen or permanent resident of the United States.

117 [8.] 9. The commissioner of education shall develop a procedure for
118 evaluating the effectiveness of the program described in this section. Such
119 evaluation shall be conducted annually with the results of the evaluation
120 provided to the governor, speaker of the house, and president pro tempore of the
121 senate.

122 [9.] 10. For a two-year private vocational or technical school to obtain
123 reimbursements under subsection [7] 8 of this section, the following requirements
124 shall be satisfied:

125 (1) Such two-year private vocational or technical school shall be a member
126 of the North Central Association and be accredited by the Higher Learning
127 Commission as of July 1, 2008, and maintain such accreditation;

128 (2) Such two-year private vocational or technical school shall be
129 designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code
130 of 1986, as amended;

131 (3) No two-year private vocational or technical school shall receive tuition
132 reimbursements in excess of the tuition rate charged by a public community
133 college for course work offered by the private vocational or technical school within
134 the service area of such college; and

135 (4) The reimbursements provided to any two-year private vocational or
136 technical school shall not violate the provisions of Article IX, Section 8, or Article

137 I, Section 7, of the Missouri Constitution or the first amendment of the United
138 States Constitution.

161.217. 1. The department of elementary and secondary
2 education, in collaboration with the Missouri Head Start State
3 Collaboration Office and the departments of health and senior services,
4 mental health, and social services, shall develop, as a three-year pilot
5 program, a voluntary early learning quality assurance report. The
6 early learning quality assurance report shall be developed based on
7 evidence-based practices.

8 2. Participation in the early learning quality assurance report
9 pilot program shall be voluntary for any licensed or license-exempt
10 early learning providers that are center-based or home-based and are
11 providing services for children from any ages from birth up to
12 kindergarten.

13 3. The early learning quality assurance report may include, but
14 is not limited to, information regarding staff qualifications,
15 instructional quality, professional development, health and safety
16 standards, parent engagement, and community engagement.

17 4. The early learning quality assurance report shall not be used
18 for enforcement of compliance with any law or for any punitive
19 purposes.

20 5. The department of elementary and secondary education shall
21 promulgate all necessary rules and regulations for the administration
22 of this section. Any rule or portion of a rule, as that term is defined in
23 section 536.010, that is created under the authority delegated in this
24 section shall become effective only if it complies with and is subject to
25 all of the provisions of chapter 536 and, if applicable, section
26 536.028. This section and chapter 536 are nonseverable, and if any of
27 the powers vested with the general assembly pursuant to chapter 536
28 to review, to delay the effective date, or to disapprove and annul a rule
29 are subsequently held unconstitutional, then the grant of rulemaking
30 authority and any rule proposed or adopted after August 28, 2016, shall
31 be invalid and void.

32 6. Under section 23.253 of the Missouri sunset act:

33 (1) The provisions of the new program authorized under this
34 section shall automatically sunset three years after the effective date
35 of this section unless reauthorized by an act of the general assembly;

36 **and**

37 **(2) If such program is reauthorized, the program authorized**
38 **under this section shall automatically sunset three years after the**
39 **effective date of the reauthorization of this section; and**

40 **(3) This section shall terminate on September first of the**
41 **calendar year immediately following the calendar year in which the**
42 **program authorized under this section is sunset.**

161.1050. 1. There is hereby established within the department
2 of elementary and secondary education the "Trauma-Informed Schools
3 Initiative".

4 2. The department of elementary and secondary education shall
5 consult the department of mental health and the department of social
6 services for assistance in fulfilling the requirements of this section.

7 3. The department of elementary and secondary education shall:

8 (1) Provide information regarding the trauma-informed approach
9 to all school districts;

10 (2) Offer training on the trauma-informed approach to all school
11 districts, which shall include information on how schools can become
12 trauma-informed schools; and

13 (3) Develop a website about the trauma-informed schools
14 initiative that includes information for schools and parents regarding
15 the trauma-informed approach and a guide for schools on how to
16 become trauma-informed schools.

17 4. Each school district shall provide the address of the website
18 described under subdivision (3) of subsection 3 of this section to all
19 parents of the students in its district before October first of each school
20 year.

21 5. For purposes of this section, the following terms mean:

22 (1) "Trauma-informed approach", an approach that involves
23 understanding and responding to the symptoms of chronic
24 interpersonal trauma and traumatic stress across the lifespan;

25 (2) "Trauma-informed school", a school that:

26 (a) Realizes the widespread impact of trauma and understands
27 potential paths for recovery;

28 (b) Recognizes the signs and symptoms of trauma in students,
29 teachers, and staff;

30 (c) Responds by fully integrating knowledge about trauma into

31 its policies, procedures, and practices; and

32 (d) Seeks to actively resist re-traumatization.

161.1055. 1. Subject to appropriations, the department of
2 elementary and secondary education shall establish the "Trauma-
3 Informed Schools Pilot Program".

4 2. Under the trauma-informed schools pilot program, the
5 department of elementary and secondary education shall choose five
6 schools to receive intensive training on the trauma-informed approach.

7 3. The five schools chosen for the pilot program shall be located
8 in the following areas:

9 (1) One public school located in a metropolitan school district;

10 (2) One public school located in a home rule city with more than
11 four hundred thousand inhabitants and located in more than one
12 county;

13 (3) One public school located in a school district that has most
14 or all of its land area located in a county with a charter form of
15 government and with more than nine hundred fifty thousand
16 inhabitants;

17 (4) One public school located in a school district that has most
18 or all of its land area located in a county with a charter form of
19 government and with more than six hundred thousand but fewer than
20 seven hundred thousand inhabitants; and

21 (5) One public school located in any one of the following
22 counties:

23 (a) A county of the third classification without a township form
24 of government and with more than forty-one thousand but fewer than
25 forty-five thousand inhabitants;

26 (b) A county of the third classification without a township form
27 of government and with more than six thousand but fewer than seven
28 thousand inhabitants and with a city of the fourth classification with
29 more than eight hundred but fewer than nine hundred inhabitants as
30 the county seat;

31 (c) A county of the third classification with a township form of
32 government and with more than thirty-one thousand but fewer than
33 thirty-five thousand inhabitants;

34 (d) A county of the third classification without a township form
35 of government and with more than fourteen thousand but fewer than

36 sixteen thousand inhabitants and with a city of the third classification
37 with more than five thousand but fewer than six thousand inhabitants
38 as the county seat;

39 (e) A county of the third classification without a township form
40 of government and with more than eighteen thousand but fewer than
41 twenty thousand inhabitants and with a city of the fourth classification
42 with more than three thousand but fewer than three thousand seven
43 hundred inhabitants as the county seat;

44 (f) A county of the third classification without a township form
45 of government and with more than eighteen thousand but fewer than
46 twenty thousand inhabitants and with a city of the third classification
47 with more than six thousand but fewer than seven thousand inhabitants
48 as the county seat;

49 (g) A county of the third classification without a township form
50 of government and with more than fourteen thousand but fewer than
51 sixteen thousand inhabitants and with a city of the fourth classification
52 with more than one thousand nine hundred but fewer than two
53 thousand one hundred inhabitants as the county seat;

54 (h) A county of the third classification without a township form
55 of government and with more than thirty-seven thousand but fewer
56 than forty-one thousand inhabitants and with a city of the fourth
57 classification with more than eight hundred but fewer than nine
58 hundred inhabitants as the county seat;

59 (i) A county of the third classification with a township form of
60 government and with more than twenty-eight thousand but fewer than
61 thirty-one thousand inhabitants; or

62 (j) A county of the third classification without a township form
63 of government and with more than twelve thousand but fewer than
64 fourteen thousand inhabitants and with a city of the fourth
65 classification with more than five hundred but fewer than five hundred
66 fifty inhabitants as the county seat.

67 4. The department of elementary and secondary education shall:

68 (1) Train the teachers and administrators of the five schools
69 chosen for the pilot program regarding the trauma-informed approach
70 and how to become trauma-informed schools;

71 (2) Provide the five schools with funds to implement the trauma-
72 informed approach; and

73 **(3) Closely monitor the progress of the five schools in becoming**
74 **trauma-informed schools and provide further assistance if necessary.**

75 **5. The department of elementary and secondary education shall**
76 **terminate the trauma-informed schools pilot program on August 28,**
77 **2019. Before December 31, 2019, the department of elementary and**
78 **secondary education shall submit a report to the general assembly that**
79 **contains the results of the pilot program, including any benefits**
80 **experienced by the five schools chosen for the program.**

81 **6. (1) There is hereby created in the state treasury the "Trauma-**
82 **Informed Schools Pilot Program Fund". The fund shall consist of any**
83 **appropriations to such fund. The state treasurer shall be custodian of**
84 **the fund. In accordance with sections 30.170 and 30.180, the state**
85 **treasurer may approve disbursements of public moneys in accordance**
86 **with distribution requirements and procedures developed by the**
87 **department of elementary and secondary education. The fund shall be**
88 **a dedicated fund and, upon appropriation, moneys in the fund shall be**
89 **used solely for the administration of this section.**

90 **(2) Notwithstanding the provisions of section 33.080 to the**
91 **contrary, any moneys remaining in the fund at the end of the biennium**
92 **shall not revert to the credit of the general revenue fund.**

93 **(3) The state treasurer shall invest moneys in the fund in the**
94 **same manner as other funds are invested. Any interest and moneys**
95 **earned on such investments shall be credited to the fund.**

96 **7. For purposes of this section, the following terms mean:**

97 **(1) "Trauma-informed approach", an approach that involves**
98 **understanding and responding to the symptoms of chronic**
99 **interpersonal trauma and traumatic stress across the lifespan;**

100 **(2) "Trauma-informed school", a school that:**

101 **(a) Realizes the widespread impact of trauma and understands**
102 **potential paths for recovery;**

103 **(b) Recognizes the signs and symptoms of trauma in students,**
104 **teachers, and staff;**

105 **(c) Responds by fully integrating knowledge about trauma into**
106 **its policies, procedures, and practices; and**

107 **(d) Seeks to actively resist re-traumatization.**

108 **8. The provisions of this section shall expire December 31, 2019.**
162.073. For the purposes of sections 162.071, 162.073, 162.152, 162.171,

2 162.181, 162.191, 162.201, 162.241, [162.261,] 162.301, 162.311, 162.821 and
3 167.121, in those counties without a county commission, the following words shall
4 have the following meaning:

5 (1) "County clerk" shall mean the vice-chairman of the county legislature
6 or county council;

7 (2) "County commission" shall mean the county legislature or county
8 council;

9 (3) "Presiding commissioner of the county commission" shall mean the
10 chairman of the county legislature or county council.

162.261. 1. The government and control of a seven-director school district,
2 other than an urban district, is vested in a board of education of seven members,
3 who hold their office for three years, except as provided in section 162.241, and
4 until their successors are duly elected and qualified. Any vacancy occurring in
5 the board shall be filled by the remaining members of the board; except that if
6 there are more than two vacancies at any one time, the county commission upon
7 receiving written notice of the vacancies shall fill the vacancies by appointment.
8 **If there are more than two vacancies at any one time in a county**
9 **without a county commission, the county executive upon receiving**
10 **written notice of the vacancies shall fill the vacancies, with the advice**
11 **and consent of the county council, by appointment.** The person appointed
12 shall hold office until the next municipal election, when a director shall be elected
13 for the unexpired term.

14 2. No seven-director, urban, or metropolitan school district board of
15 education shall hire a spouse of any member of such board for a vacant or newly
16 created position unless the position has been advertised pursuant to board policy
17 and the superintendent of schools submits a written recommendation for the
18 employment of the spouse to the board of education. The names of all applicants
19 as well as the name of the applicant hired for the position are to be included in
20 the board minutes.

21 3. The provisions of article VII, section 6 of the Missouri Constitution
22 apply to school districts.

162.531. The secretary of the board of each urban district shall keep a
2 record of the proceedings of the board; he shall also keep a record of all warrants
3 drawn upon the treasurer, showing the date and amount of each, in whose favor
4 and upon what account it was drawn, and shall also keep a register of the bonded
5 indebtedness of the school district; he shall also perform other duties required of

6 him by the board, and shall safely keep all bonds or other papers entrusted to his
7 care. He shall, before entering upon his duties, execute a bond to the school
8 district in the penal sum of not less than five thousand dollars, the amount
9 thereof to be fixed by the board, with at least [two sureties] **one surety**, to be
10 approved by the board.

162.541. The treasurer of each urban district, before entering upon the
2 discharge of his duties as such, shall enter into a bond to the state of Missouri
3 with [two] **one** or more sureties, approved by the board, conditioned that he will
4 render a faithful and just account of all moneys that come into his hands as
5 treasurer, and otherwise perform the duties of his office according to law and
6 shall file the bond with the secretary of the board. On breach of any of the
7 conditions of the bond, the board, or the president or the secretary thereof, or any
8 resident of the school district, may cause suit to be brought thereon, in the name
9 of the state of Missouri, at the relation and to the use of the school district.

162.720. 1. Where a sufficient number of children are determined to be
2 gifted and their development requires programs or services beyond the level of
3 those ordinarily provided in regular public school programs, districts may
4 establish special programs for such gifted children.

5 2. The state board of education shall determine standards for such
6 programs. Approval of such programs shall be made by the state department of
7 elementary and secondary education based upon project applications submitted
8 by July fifteenth of each year.

9 **3. No district shall make a determination as to whether a child**
10 **is gifted based on the child's participation in an advanced placement**
11 **course or international baccalaureate course. Districts shall determine**
12 **a child is gifted only if the child meets the definition of "gifted**
13 **children" as provided in section 162.675.**

163.031. 1. The department of elementary and secondary education shall
2 calculate and distribute to each school district qualified to receive state aid under
3 section 163.021 an amount determined by multiplying the district's weighted
4 average daily attendance by the state adequacy target, multiplying this product
5 by the dollar value modifier for the district, and subtracting from this product the
6 district's local effort and subtracting payments from the classroom trust fund
7 under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three

10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2008-09 school year, the state revenue per weighted average
12 daily attendance received by a district from the state aid calculation under
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
14 under section 163.043 shall not be less than the state revenue received by a
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment
17 amounts multiplied by the dollar value modifier, and dividing this product by the
18 weighted average daily attendance computed for the 2005-06 school year;

19 (b) For each year subsequent to the 2008-09 school year, the amount shall
20 be no less than that computed in paragraph (a) of this subdivision, multiplied by
21 the weighted average daily attendance pursuant to section 163.036, less any
22 increase in revenue received from the classroom trust fund under section 163.043;

23 (2) For districts with an average daily attendance of three hundred fifty
24 or less in the school year preceding the payment year:

25 (a) For the 2008-09 school year, the state revenue received by a district
26 from the state aid calculation under subsections 1 and 4 of this section, as
27 applicable, and the classroom trust fund under section 163.043 shall not be less
28 than the greater of state revenue received by a district in the 2004-05 or 2005-06
29 school year from the foundation formula, line 14, gifted, remedial reading,
30 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
31 by the dollar value modifier;

32 (b) For each year subsequent to the 2008-09 school year, the amount shall
33 be no less than that computed in paragraph (a) of this subdivision;

34 (3) The department of elementary and secondary education shall make an
35 addition in the payment amount specified in subsection 1 of this section to assure
36 compliance with the provisions contained in this subsection.

37 3. School districts that meet the requirements of section 163.021 shall
38 receive categorical add-on revenue as provided in this subsection. The categorical
39 add-on for the district shall be the sum of: seventy-five percent of the district
40 allowable transportation costs under section 163.161; the career ladder
41 entitlement for the district, as provided for in sections 168.500 to 168.515; the
42 vocational education entitlement for the district, as provided for in section
43 167.332; and the district educational and screening program entitlements as
44 provided for in sections 178.691 to 178.699. The categorical add-on revenue
45 amounts may be adjusted to accommodate available appropriations.

46 4. For any school district meeting the eligibility criteria for state aid as
47 established in section 163.021, but which is considered an option district under
48 section 163.042 and therefore receives no state aid, the commissioner of education
49 shall present a plan to the superintendent of the school district for the waiver of
50 rules and the duration of said waivers, in order to promote flexibility in the
51 operations of the district and to enhance and encourage efficiency in the delivery
52 of instructional services as provided in section 163.042.

53 5. (1) No less than seventy-five percent of the state revenue received
54 under the provisions of subsections 1 and 2 of this section shall be placed in the
55 teachers' fund, and the remaining percent of such moneys shall be placed in the
56 incidental fund. No less than seventy-five percent of one-half of the funds
57 received from the school district trust fund distributed under section 163.087
58 shall be placed in the teachers' fund. One hundred percent of revenue received
59 under the provisions of section 163.161 shall be placed in the incidental
60 fund. One hundred percent of revenue received under the provisions of sections
61 168.500 to 168.515 shall be placed in the teachers' fund.

62 (2) A school district shall spend for certificated compensation and tuition
63 expenditures each year:

64 (a) An amount equal to at least seventy-five percent of the state revenue
65 received under the provisions of subsections 1 and 2 of this section;

66 (b) An amount equal to at least seventy-five percent of one-half of the
67 funds received from the school district trust fund distributed under section
68 163.087 during the preceding school year; and

69 (c) Beginning in fiscal year 2008, as much as was spent per the second
70 preceding year's weighted average daily attendance for certificated compensation
71 and tuition expenditures the previous year from revenue produced by local and
72 county tax sources in the teachers' fund, plus the amount of the incidental fund
73 to teachers' fund transfer calculated to be local and county tax sources by dividing
74 local and county tax sources in the incidental fund by total revenue in the
75 incidental fund.

76 In the event a district fails to comply with this provision, the amount by which
77 the district fails to spend funds as provided herein shall be deducted from the
78 district's state revenue received under the provisions of subsections 1 and 2 of
79 this section for the following year, provided that the state board of education may
80 exempt a school district from this provision if the state board of education
81 determines that circumstances warrant such exemption.

82 6. **(1)** If a school district's annual audit discloses that students were
83 inappropriately identified as eligible for free and reduced **price** lunch, special
84 education, or limited English proficiency and the district does not resolve the
85 audit finding, the department of elementary and secondary education shall
86 require that the amount of aid paid pursuant to the weighting for free and
87 reduced **price** lunch, special education, or limited English proficiency in the
88 weighted average daily attendance on the inappropriately identified pupils be
89 repaid by the district in the next school year and shall additionally impose a
90 penalty of one hundred percent of such aid paid on such pupils, which penalty
91 shall also be paid within the next school year. Such amounts may be repaid by
92 the district through the withholding of the amount of state aid.

93 **(2) In the 2017-18 school year and in each subsequent school**
94 **year, if a district experiences a decrease in its gifted program**
95 **enrollment of twenty percent or more from the previous school year, an**
96 **amount equal to the product of the difference between the number of**
97 **students enrolled in the gifted program in the current school year and**
98 **the number of students enrolled in the gifted program in the previous**
99 **school year multiplied by six hundred eighty dollars shall be subtracted**
100 **from the district's current year payment amount. The provisions of this**
101 **subdivision shall apply to districts entitled to receive state aid**
102 **payments under both subsections 1 and 2 of this section but shall not**
103 **apply to any school district with an average daily attendance of three**
104 **hundred fifty or less.**

105 7. Notwithstanding any provision of law to the contrary, in any fiscal year
106 during which the total formula appropriation is insufficient to fully fund the
107 entitlement calculation of this section, the department of elementary and
108 secondary education shall adjust the state adequacy target in order to
109 accommodate the appropriation level for the given fiscal year. In no manner shall
110 any payment modification be rendered for any district qualified to receive
111 payments under subsection 2 of this section based on insufficient appropriations.

167.131. 1. The board of education of each district in this state that does
2 not maintain an accredited school pursuant to the authority of the state board of
3 education to classify schools as established in section 161.092 shall pay the
4 tuition of and provide transportation consistent with the provisions of section
5 167.241 for each pupil resident therein who attends an accredited school in
6 another district of the same or an adjoining county **or who attends an**

7 **approved charter school in the same or an adjoining county.**

8 2. The rate of tuition to be charged by the district attended and paid by
9 the sending district is the per pupil cost of maintaining the district's grade level
10 grouping which includes the school attended. **The rate of tuition to be**
11 **charged by the approved charter school attended and paid by the**
12 **sending district is the per pupil cost of maintaining the approved**
13 **charter school's grade level grouping. For a district,** the cost of
14 maintaining a grade level grouping shall be determined by the board of education
15 of the district but in no case shall it exceed all amounts spent for teachers' wages,
16 incidental purposes, debt service, maintenance and replacements. **For an**
17 **approved charter school, the cost of maintaining a grade level grouping**
18 **shall be determined by the approved charter school but in no case shall**
19 **it exceed all amounts spent by the district in which the approved**
20 **charter school is located for teachers' wages, incidental purposes, debt**
21 **service, maintenance, and replacements.** The term "debt service", as used
22 in this section, means expenditures for the retirement of bonded indebtedness and
23 expenditures for interest on bonded indebtedness. Per pupil cost of the grade
24 level grouping shall be determined by dividing the cost of maintaining the grade
25 level grouping by the average daily pupil attendance. If there is disagreement as
26 to the amount of tuition to be paid, the facts shall be submitted to the state board
27 of education, and its decision in the matter shall be final. Subject to the
28 limitations of this section, each pupil shall be free to attend the public school of
29 his or her choice.

30 **3. For purposes of this section, "approved charter school" means**
31 **a charter school that has existed for less than three years or a charter**
32 **school with a three-year average score of seventy percent or higher on**
33 **its annual performance report.**

167.241. Transportation for pupils whose tuition the district of residence
2 is required to pay by section 167.131 or who are assigned as provided in section
3 167.121 shall be provided by the district of residence; however, in the case of
4 pupils covered by section 167.131, the district of residence shall be required to
5 provide transportation only to **approved charter schools as defined in**
6 **section 167.131,** school districts accredited by the state board of education
7 pursuant to the authority of the state board of education to classify schools as
8 established in section 161.092, and those school districts designated by the board
9 of education of the district of residence.

167.903. 1. Each student prior to his or her ninth grade year at
2 a public school, including a charter school, may develop with help from
3 the school's guidance counselors a personal plan of study, which shall
4 be reviewed regularly, as needed by school personnel and the student's
5 parent or guardian and updated based upon the needs of the
6 student. Each plan shall present a sequence of courses and experiences
7 that conclude with the student reaching his or her postsecondary goals,
8 with implementation of the plan of study transferring to the program
9 of postsecondary education or training upon the student's high school
10 graduation. The plan shall include, but not be limited to:

11 (1) Requirements for graduation from the school district or
12 charter school;

13 (2) Career or postsecondary goals;

14 (3) Coursework or program of study related to career and
15 postsecondary goals, which shall include, if relevant, opportunities that
16 the district or school may not directly offer;

17 (4) Grade-appropriate and career-related experiences, as
18 outlined in the grade-level expectations of the Missouri comprehensive
19 guidance program; and

20 (5) Student assessments, interest inventories, or academic results
21 needed to develop, review, and revise the personal plan of study, which
22 shall include, if relevant, assessments, inventories, or academic results
23 that the school district or charter school may not offer.

24 2. Each school district shall adopt a policy to permit the waiver
25 of the requirements of this section for any student with a disability if
26 recommended by the student's IEP committee. For purposes of this
27 subsection, "IEP" means individualized education program.

167.905. 1. By July 1, 2018, each school district shall develop a
2 policy and implement a measurable system for identifying students in
3 their ninth grade year, or students who transfer into the school
4 subsequent to their ninth grade year, who are at risk of not being ready
5 for college-level work or for entry-level career positions. Districts shall
6 include, but are not limited to, the following sources of information:

7 (1) A student's performance on the Missouri assessment program
8 test in eighth grade in English language arts and mathematics;

9 (2) A student's comparable statewide assessment performance if
10 such student transferred from another state;

11 **(3) The district's overall reported remediation rate under section**
12 **173.750; and**

13 **(4) A student's attendance rate.**

14 **2. The district policy shall require academic and career**
15 **counseling to take place prior to graduation so that the school may**
16 **attempt to provide sufficient opportunities to the student to graduate**
17 **college-ready or career-ready and on time.**

18 **3. Each school district shall adopt a policy to permit the waiver**
19 **of the requirements of this section for any student with a disability if**
20 **recommended by the student's IEP committee. For purposes of this**
21 **subsection, "IEP" means individualized education program.**

167.950. 1. (1) By December 31, 2017, the department of
2 **elementary and secondary education shall develop guidelines for the**
3 **appropriate screening of students for dyslexia and related disorders**
4 **and the necessary classroom support for students with dyslexia and**
5 **related disorders. Such guidelines shall be consistent with the findings**
6 **and recommendations of the task force created under section 633.420.**

7 **(2) In the 2018-19 school year and subsequent years, each public**
8 **school, including each charter school, shall conduct dyslexia screenings**
9 **for students in the appropriate year consistent with the guidelines**
10 **developed by the Department of Elementary and Secondary Education.**

11 **(3) In the 2018-19 school year and subsequent years, the school**
12 **board of each district and the governing board of each charter school**
13 **shall provide reasonable classroom support consistent with the**
14 **guidelines developed by the Department of Elementary and Secondary**
15 **Education.**

16 **2. In the 2018-19 school year and subsequent years, the**
17 **practicing teacher assistance programs established under section**
18 **168.400 shall include two hours of in-service training provided by each**
19 **local school district for all practicing teachers in such district**
20 **regarding dyslexia and related disorders. Each charter school shall**
21 **also offer all of its teachers two hours of training on dyslexia and**
22 **related disorders. Districts and charter schools may seek assistance**
23 **from the department of elementary and secondary education in**
24 **developing and providing such training. Completion of such training**
25 **shall count as two contact hours of professional development under**
26 **section 168.021.**

27 **3. For purposes of this section, the following terms mean:**

28 **(1) "Dyslexia", a disorder that is neurological in origin,**
29 **characterized by difficulties with accurate and fluent word recognition**
30 **and poor spelling and decoding abilities that typically result from a**
31 **deficit in the phonological component of language, often unexpected in**
32 **relation to other cognitive abilities and the provision of effective**
33 **classroom instruction, and of which secondary consequences may**
34 **include problems in reading comprehension and reduced reading**
35 **experience that can impede growth of vocabulary and background**
36 **knowledge. Nothing in this definition shall require a student with**
37 **dyslexia to obtain an individualized education program (IEP) unless**
38 **the student has otherwise met the federal conditions necessary;**

39 **(2) "Dyslexia screening", a short test conducted by a teacher or**
40 **school counselor to determine whether a student likely has dyslexia or**
41 **a related disorder in which a positive result does not represent a**
42 **medical diagnosis but indicates that the student could benefit from**
43 **approved support;**

44 **(3) "Related disorders", disorders similar to or related to**
45 **dyslexia, such as developmental auditory imperception, dysphasia,**
46 **specific developmental dyslexia, developmental dysgraphia, and**
47 **developmental spelling disability;**

48 **(4) "Support", low-cost and effective best practices, such as oral**
49 **examinations and extended test-taking periods, used to support**
50 **students who have dyslexia or any related disorder.**

51 **4. The state board of education shall promulgate rules and**
52 **regulations for each public school to screen students for dyslexia and**
53 **related disorders and to provide the necessary classroom support for**
54 **students with dyslexia and related disorders. Any rule or portion of a**
55 **rule, as that term is defined in section 536.010, that is created under**
56 **the authority delegated in this section shall become effective only if it**
57 **complies with and is subject to all of the provisions of chapter 536 and,**
58 **if applicable, section 536.028. This section and chapter 536 are**
59 **nonseverable, and if any of the powers vested with the general**
60 **assembly pursuant to chapter 536 to review, to delay the effective date,**
61 **or to disapprove and annul a rule are subsequently held**
62 **unconstitutional, then the grant of rulemaking authority and any rule**
63 **proposed or adopted after August 28, 2016, shall be invalid and void.**

64 **5. Nothing in this section shall require the MO HealthNet**
65 **program to expand the services that it provides.**

170.011. 1. Regular courses of instruction in the Constitution of the
2 United States and of the state of Missouri and in American history and
3 institutions shall be given in all public and private schools in the state of
4 Missouri, except [privately operated trade] **proprietary** schools, and shall begin
5 not later than the seventh grade and continue in high school to an extent
6 determined by the state commissioner of education, and shall continue in college
7 and university courses to an extent determined by the state commissioner of
8 higher education. In the 1990-91 school year and each year thereafter, local
9 school districts maintaining high schools shall comply with the provisions of this
10 section by offering in grade nine, ten, eleven, or twelve a course of instruction in
11 the institutions, branches and functions of the government of the state of
12 Missouri, including local governments, and of the government of the United
13 States, and in the electoral process. A local school district maintaining such a
14 high school shall require that prior to the completion of the twelfth grade each
15 pupil who receives a high school diploma or certificate of graduation on or after
16 January 1, 1994, shall satisfactorily complete such a course of study. Such course
17 shall be of at least one semester in length and may be two semesters in
18 length. The department of elementary and secondary education may provide
19 assistance in developing such a course if the district requests assistance. A
20 school district may elect to waive the requirements of this subsection for any
21 student who transfers from outside the state to a Missouri high school if the
22 student can furnish documentation deemed acceptable by the school district of the
23 student's successful completion in any year from the ninth through the twelfth
24 grade of a course of instruction in the institutions, branches, and functions of
25 state government, including local governments, and of the government of the
26 United States, and in the electoral process.

27 2. American history courses at the elementary and secondary levels shall
28 include in their proper time-line sequence specific referrals to the details and
29 events of the racial equality movement that have caused major changes in United
30 States and Missouri laws and attitudes.

31 3. No pupil shall receive a certificate of graduation from any public or
32 private school other than private trade schools unless he has satisfactorily passed
33 an examination on the provisions and principles of the Constitution of the United
34 States and of the state of Missouri, and in American history [and], American

35 institutions, **and American civics**. A school district may elect to waive the
36 requirements of this subsection for any student who transfers from outside the
37 state to a Missouri high school if the student can furnish documentation deemed
38 acceptable by the school district of the student's successful completion in any year
39 from the ninth through the twelfth grade of a course of instruction in the
40 institutions, branches, and functions of state government, including local
41 governments, and of the government of the United States, and in the electoral
42 process. A student of a college or university, who, after having completed a
43 course of instruction prescribed in this section and successfully passed an
44 examination on the United States Constitution, and in American history and
45 American institutions required hereby, transfers to another college or university,
46 is not required to complete another such course or pass another such examination
47 as a condition precedent to his graduation from the college or university.

48 4. In the 1990-91 school year and each year thereafter, each school district
49 maintaining a high school may annually nominate to the state board of education
50 a student who has demonstrated knowledge of the principles of government and
51 citizenship through academic achievement, participation in extracurricular
52 activities, and service to the community. Annually, the state board of education
53 shall select fifteen students from those nominated by the local school districts and
54 shall recognize and award them for their academic achievement, participation and
55 service.

56 5. The provisions of this section shall not apply to students from foreign
57 countries who are enrolled in public or private high schools in Missouri, if such
58 students are foreign exchange students sponsored by a national organization
59 recognized by the department of elementary and secondary education.

170.310. 1. **For school year 2017-18 and each school year
2 thereafter, upon graduation from high school, pupils in public schools
3 and charter schools shall have received thirty minutes of
4 cardiopulmonary resuscitation instruction and training in the proper
5 performance of the Heimlich maneuver or other first aid for choking
6 given any time during a pupil's four years of high school.**

7 2. **Beginning in school year 2017-18**, any public school or charter
8 school serving grades nine through twelve [may] **shall** provide enrolled students
9 instruction in cardiopulmonary resuscitation. Students with disabilities may
10 participate to the extent appropriate as determined by the provisions of the
11 Individuals with Disabilities Education Act or Section 504 of the Rehabilitation

12 Act. [Instruction may be embedded in any health education course] **Instruction**
13 **shall be included in the district's existing health or physical education**
14 **curriculum.** Instruction shall be based on a program established by the
15 American Heart Association or the American Red Cross, or through a nationally
16 recognized program based on the most current national evidence-based emergency
17 cardiovascular care guidelines, and psychomotor skills development shall be
18 incorporated into the instruction. For purposes of this section, "psychomotor
19 skills" means the use of hands-on practicing and skills testing to support
20 cognitive learning.

21 [2.] **3.** The teacher of the cardiopulmonary resuscitation course or unit
22 shall not be required to be a certified trainer of cardiopulmonary resuscitation if
23 the instruction is not designed to result in certification of students. Instruction
24 that is designed to result in certification being earned shall be required to be
25 taught by an authorized cardiopulmonary instructor. Schools may develop
26 agreements with any local chapter of a voluntary organization of first responders
27 to provide the required hands-on practice and skills testing.

28 [3.] **4.** The department of elementary and secondary education may
29 promulgate rules to implement this section. Any rule or portion of a rule, as that
30 term is defined in section 536.010, that is created under the authority delegated
31 in this section shall become effective only if it complies with and is subject to all
32 of the provisions of chapter 536 and, if applicable, section 536.028. This section
33 and chapter 536 are nonseverable and if any of the powers vested with the
34 general assembly pursuant to chapter 536 to review, to delay the effective date,
35 or to disapprove and annul a rule are subsequently held unconstitutional, then
36 the grant of rulemaking authority and any rule proposed or adopted after August
37 28, 2012, shall be invalid and void.

170.345. 1. This section shall be known as the "Missouri Civics
2 **Education Initiative".**

3 **2. Any student entering ninth grade after July 1, 2017, who is**
4 **attending any public, charter, or private school, except private trade**
5 **schools, as a condition of high school graduation shall pass an**
6 **examination on the provisions and principles of American civics.**

7 **3. The examination shall consist of one hundred questions**
8 **similar to the one hundred questions used by the United States**
9 **Citizenship and Immigration Services that are administered to**
10 **applicants for United States citizenship.**

11 4. **The examination required under this section may be included**
12 **in any other examination that is administered on the provisions and**
13 **principles of the Constitution of the United States and of the state of**
14 **Missouri, and in American history and American institutions, as**
15 **required in subsection 3 of section 170.011.**

16 5. **School districts may use any online test to comply with the**
17 **provisions of this section.**

18 6. **Each school district shall adopt a policy to permit the waiver**
19 **of the requirements of this section for any student with a disability if**
20 **recommended by the student's IEP committee. For purposes of this**
21 **subsection, "IEP" means individualized education program.**

170.350. A school district may develop a policy that allows
2 **student participation in the Constitution Project of the Missouri**
3 **Supreme Court to be recognized by:**

4 **(1) The granting of credit for some portion of, or in collaboration**
5 **with:**

6 **(a) Inclusion in the student's record of good citizenship as**
7 **required by the A+ tuition reimbursement program under section**
8 **160.545; or**

9 **(b) The Missouri and United States Constitution course required**
10 **under section 170.011; or**

11 **(c) Any relevant course or instructional unit in American**
12 **government or a similar subject; or**

13 **(2) District or school-level awards including, but not limited to,**
14 **certificates or assemblies.**

 171.021. 1. **Every school in this state which is supported in whole or in**
2 **part by public moneys, during the hours while school is in session, shall display**
3 **in some prominent place either upon the outside of the school building or upon**
4 **a pole erected in the school yard the flag of the United States of America.**

5 2. **Every school in this state which is supported in whole or in part by**
6 **public moneys shall ensure that the Pledge of Allegiance to the flag of the United**
7 **States of America is recited in at least one scheduled class of every pupil enrolled**
8 **in that school no less often than once per [week] school day. **Flags for display****
9 **in individual classrooms may be provided by voluntary donation by any**
10 **person.** No student shall be required to recite the Pledge of Allegiance.

 173.750. 1. **By July 1, 1995, the coordinating board for higher education,**
2 **within existing resources provided to the department of higher education and by**

3 rule and regulation, shall have established and implemented a procedure for
4 annually reporting the performance of graduates of public high schools in the
5 state during the student's initial year in the public colleges and universities of
6 the state. The purpose of such reports shall be to assist in determining how high
7 schools are preparing students for successful college and university
8 performance. The report produced pursuant to this subsection shall annually be
9 furnished to the state board of education for reporting pursuant to subsection 4
10 of section 161.610 and shall not be used for any other purpose **until such time**
11 **that a standard process and consistent, specific criteria for determining**
12 **a student's need for remedial coursework is agreed upon by the**
13 **coordinating board for higher education, higher education institutions,**
14 **and the state board of education.**

15 2. The procedures shall be designed so that the reporting is made by the
16 name of each high school in the state, with individual student data to be grouped
17 according to the high school from which the students graduated. The data in the
18 reports shall be disaggregated by race and sex. The procedures shall not be
19 designed so that the reporting contains the name of any student. No grade point
20 average shall be disclosed under subsection 3 of this section in any case where
21 three or fewer students from a particular high school attend a particular college
22 or university.

23 3. The data reported shall include grade point averages after the initial
24 college year, calculated on, or adjusted to, a four point grade scale; the percentage
25 of students returning to college after the first and second half of the initial college
26 year, or after each trimester of the initial college year; the percentage of students
27 taking noncollege level classes in basic academic courses during the first college
28 year, or remedial courses in basic academic subjects of English, mathematics, or
29 reading; and other such data as determined by rule and regulation of the
30 coordinating board for higher education.

31 4. **The department of elementary and secondary education shall**
32 **conduct a review of its policies and procedures relating to remedial**
33 **education in light of the best practices in remediation identified as**
34 **required by subdivision (6) of subsection 2 of section 173.005 to ensure**
35 **that school districts are informed about best practices to reduce the**
36 **need for remediation. The department shall present its results to the**
37 **joint committee on education by October 31, 2017.**

633.420. 1. For the purposes of this section, the term "dyslexia"

2 means a disorder that is neurological in origin, characterized by
3 difficulties with accurate and fluent word recognition, and poor
4 spelling and decoding abilities that typically result from a deficit in the
5 phonological component of language, often unexpected in relation to
6 other cognitive abilities and the provision of effective classroom
7 instruction, and of which secondary consequences may include
8 problems in reading comprehension and reduced reading experience
9 that can impede growth of vocabulary and background
10 knowledge. Nothing in this section shall prohibit a district from
11 assessing students for dyslexia and offering students specialized
12 reading instruction if a determination is made that a student suffers
13 from dyslexia. Unless required by federal law, nothing in this
14 definition shall require a student with dyslexia to be automatically
15 determined eligible as a student with a disability.

16 2. There is hereby created the "Legislative Task Force on
17 Dyslexia". The joint committee on education shall provide technical
18 and administrative support as required by the task force to fulfill its
19 duties; any such support involving monetary expenses shall first be
20 approved by the chairman of the joint committee on education. The
21 task force shall meet at least quarterly and may hold meetings by
22 telephone or video conference. The task force shall advise and make
23 recommendations to the governor, joint committee on education, and
24 relevant state agencies regarding matters concerning individuals with
25 dyslexia, including education and other adult and adolescent services.

26 3. The task force shall be comprised of twenty members
27 consisting of the following:

28 (1) Two members of the senate appointed by the president pro
29 tempore of the senate, with one member appointed from the minority
30 party and one member appointed from the majority party;

31 (2) Two members of the house of representatives appointed by
32 the speaker of the house of representatives, with one member
33 appointed from the minority party and one member appointed from the
34 majority party;

35 (3) The commissioner of education, or his or her designee;

36 (4) One representative from an institution of higher education
37 located in this state with specialized expertise in dyslexia and reading
38 instruction;

39 **(5) A representative from a state teachers association or the**
40 **Missouri National Education Association;**

41 **(6) A representative from the International Dyslexia Association**
42 **of Missouri;**

43 **(7) A representative from Decoding Dyslexia of Missouri;**

44 **(8) A representative from the Missouri Association of Elementary**
45 **School Principals;**

46 **(9) A representative from the Missouri Council of Administrators**
47 **of Special Education;**

48 **(10) A professional licensed in the state of Missouri with**
49 **experience diagnosing dyslexia including, but not limited to, a licensed**
50 **psychologist, school psychologist, or neuropsychologist;**

51 **(11) A speech-language pathologist with training and experience**
52 **in early literacy development and effective research-based intervention**
53 **techniques for dyslexia, including an Orton-Gillingham remediation**
54 **program recommended by the Missouri Speech-Language Hearing**
55 **Association;**

56 **(12) A certified academic language therapist recommended by**
57 **the Academic Language Therapists Association who is a resident of this**
58 **state;**

59 **(13) A representative from an independent private provider or**
60 **nonprofit organization serving individuals with dyslexia;**

61 **(14) An assistive technology specialist with expertise in**
62 **accessible print materials and assistive technology used by individuals**
63 **with dyslexia recommended by the Missouri assistive technology**
64 **council;**

65 **(15) One private citizen who has a child who has been diagnosed**
66 **with dyslexia;**

67 **(16) One private citizen who has been diagnosed with dyslexia;**

68 **(17) A representative of the Missouri State Council of the**
69 **International Reading Association; and**

70 **(18) A pediatrician with knowledge of dyslexia.**

71 **4. The members of the task force, other than the members from**
72 **the general assembly and ex officio members, shall be appointed by the**
73 **president pro tempore of the senate or the speaker of the house of**
74 **representatives by September 1, 2016, by alternating appointments**
75 **beginning with the president pro tempore of the senate. A chairperson**

76 shall be selected by the members of the task force. Any vacancy on the
77 task force shall be filled in the same manner as the original
78 appointment. Members shall serve on the task force without
79 compensation.

80 5. The task force shall make recommendations for a statewide
81 system for identification, intervention, and delivery of supports for
82 students with dyslexia, including the development of resource materials
83 and professional development activities. These recommendations shall
84 be included in a report to the governor and joint committee on
85 education and shall include findings and proposed legislation and shall
86 be made available no longer than twelve months from the task force's
87 first meeting.

88 6. The recommendations and resource materials developed by
89 the task force shall:

90 (1) Identify valid and reliable screening and evaluation
91 assessments and protocols that can be used and the appropriate
92 personnel to administer such assessments in order to identify children
93 with dyslexia or the characteristics of dyslexia as part of an ongoing
94 reading progress monitoring system, multi-tiered system of supports,
95 and special education eligibility determinations in schools;

96 (2) Recommend an evidence-based reading instruction, with
97 consideration of the National Reading Panel Report and Orton-
98 Gillingham methodology principles for use in all Missouri schools, and
99 intervention system, including a list of effective dyslexia intervention
100 programs, to address dyslexia or characteristics of dyslexia for use by
101 schools in multi-tiered systems of support and for services as
102 appropriate for special education eligible students;

103 (3) Develop and implement preservice and inservice professional
104 development activities to address dyslexia identification and
105 intervention, including utilization of accessible print materials and
106 assistive technology, within degree programs such as education,
107 reading, special education, speech-language pathology, and psychology;

108 (4) Review teacher certification and professional development
109 requirements as they relate to the needs of students with dyslexia;

110 (5) Examine the barriers to accurate information on the
111 prevalence of students with dyslexia across the state and recommend
112 a process for accurate reporting of demographic data; and

113 **(6) Study and evaluate current practices for diagnosing, treating,**
114 **and educating children in this state and examine how current laws and**
115 **regulations affect students with dyslexia in order to present**
116 **recommendations to the governor and joint committee on education.**

117 **7. The task force shall hire or contract for hire specialist**
118 **services to support the work of the task force as necessary with**
119 **appropriations made by the general assembly for that purpose or from**
120 **other available funding.**

121 **8. The task force authorized under this section shall expire on**
122 **August 31, 2018.**

[161.216. 1. No public institution of higher education,
2 political subdivision, governmental entity, or quasi-governmental
3 entity receiving state funds shall operate, establish, or maintain,
4 offer incentives to participate in, or mandate participation in a
5 quality rating system for early childhood education, a training
6 quality assurance system, any successor system, or any
7 substantially similar system for early childhood education, unless
8 the authority to operate, establish, or maintain such a system is
9 enacted into law through:

10 (1) A bill as prescribed by Article III of the Missouri
11 Constitution;

12 (2) An initiative petition as prescribed by Section 50
13 of Article III of the Missouri Constitution; or

14 (3) A referendum as prescribed by Section 52(a) of
15 Article III of the Missouri Constitution.

16 2. No public institution of higher education, political
17 subdivision, governmental entity or quasi-governmental
18 entity receiving state funds shall promulgate any rule or
19 establish any program, policy, guideline, or plan or change
20 any rule, program, policy, guideline, or plan to operate,
21 establish, or maintain a quality rating system for early
22 childhood education, a training quality assurance system,
23 any successor system, or any substantially similar system
24 for early childhood education unless such public institution
25 of higher education, political subdivision, governmental
26 entity or quasi-governmental entity receiving state funds

27 has received statutory authority to do so in a manner
28 consistent with subsection 1 of this section.

29 3. Any taxpayer of this state or any member of the
30 general assembly shall have standing to bring suit against
31 any public institution of higher education, political
32 subdivision, governmental entity or quasi-governmental
33 entity which is in violation of this section in any court with
34 jurisdiction to enforce the provisions of this section.

35 4. This section shall not be construed to limit the
36 content of early childhood education courses, research, or
37 training carried out by any public institution of higher
38 education. A course on quality rating systems or training
39 quality assurance systems shall not be a requirement for
40 certification by the state as an individual child care
41 provider or any licensing requirement that may be
42 established for an individual child care provider.

43 5. For purposes of this section:

44 (1) "Early childhood education" shall mean education
45 programs that are both centered and home-based and
46 providing services for children from birth to kindergarten;

47 (2) "Quality rating system" or "training quality
48 assurance system" shall include the model from the
49 Missouri quality rating system pilots developed by the
50 University of Missouri center for family policy and research,
51 any successor model, or substantially similar
52 model. "Quality rating system" or "training quality
53 assurance system" shall also include but not be limited to a
54 tiered rating system that provides a number of tiers or
55 levels to set benchmarks for quality that build upon each
56 other, leading to a top tier that includes program
57 accreditation. "Quality rating system" or "training quality
58 assurance system" may also include a tiered reimbursement
59 system that may be tied to a tiered rating system;

60 (3) "Tiered reimbursement system" or "training
61 quality assurance system" shall include but not be limited
62 to a system that links funding to a quality rating system, a

63 system to award higher child care subsidy payments to
64 programs that attain higher quality levels, or a system that
65 offers other incentives through tax policy or professional
66 development opportunities for child care providers.]

Section B. Section 161.1050 of this act shall become effective July
2 1, 2017.

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